

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics (published at 65 Fed. Reg. 68261 (2000)), and such rule shall have no force or effect.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each. I think the distinguished Senator from Illinois is going to proceed, and then I shall return to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHOOL SHOOTINGS AND GUN SAFETY

Mr. DURBIN. Mr. President, I rise tonight to express my deep sadness for the families and victims of yesterday's high school shooting tragedy in California.

Yesterday, Charles "Andy" Williams, a 15-year-old high school student, snapped. By all accounts, this was a child who was a frequent victim of bullies and was picked on by others at school. A troubled child is a sad reality in America today, but a troubled child with a gun is a tragedy waiting to happen.

Gun safety is not the only issue this tragedy highlights. We need to encourage adults and students to listen more carefully and take swifter action when young people make threats of gun violence. We need more counselors in our Nation's schools who can help young people deal with the pressures of growing up. But we also must prevent troubled children from obtaining firearms.

Once again, I come to the floor to renew my plea—the American people's plea—for Congress to do the right thing, to pass commonsense gun safety legislation. We can continue to throw our hands in the air, shrug our shoulders, and hope this problem will go away by itself—sadly, we know better—or we can begin to face the reality of our situation: We live in a country populated by 281 million people and an estimated 200 million firearms.

Our Consumer Product Safety Commission can regulate the design of a

toy gun, to make sure it will not pinch the finger of a child, but the National Rifle Association has made sure that this same agency has no authority to regulate the safety of a real gun that could blow off a child's finger or worse.

Anyone—let me repeat, anyone—can walk into a gun show today and walk out with an unlimited supply of firearms—no documentation, no background check, no questions asked. And yet we express surprise when, year after year, our children are left defenseless as they attempt to dodge bullets at their schools. We use words such as "tragedy" and "shock" to describe the aftermath of school shootings, when we know they are foreseeable—we know they are foreseeable.

Some in this Senate have argued that the reasonable gun safety legislation we have proposed on this side of the aisle will not reduce gun violence. They said the same thing about the Brady bill, too. They were wrong then; they are wrong now.

It is not enough to wait for deaths caused by gun violence and then "enforce the law" against those who violate it. We must work to aggressively prevent gun violence before it happens, not merely enforce the law after the school shootings.

We must cut off the avenues for children to obtain firearms.

The American people are very clear on this issue, but Congress drags its feet, offering empty excuses for why we cannot pass any gun safety legislation. And what are the excuses? A background check at a gun show cannot be passed by Congress, according to the NRA, because it violates the second amendment. Requiring a child safety lock to be sold with a handgun somehow, according to the NRA, imposes an unreasonable burden on gun stores and manufacturers. A 3-day waiting period for a handgun—well, the NRA says that clearly violates our second amendment constitutional right.

This is a phony facade and a phony argument, one that continues to endanger our children in the one place in their lives they should expect to be safe at every moment—at school. In all likelihood, after the headlines on this most recent shooting will die down, this Congress will return to blissful ignorance with respect to the gun problem in America. But how many more tragedies, such as the one we have seen in California yesterday, have to happen before Congress finally takes action? How many?

Statistics from the Centers for Disease Control reveal that gun violence takes the lives of over 30,000 Americans every year, including 4,000 children. No other nation on Earth has this many gun deaths. When will this problem be big enough for Congress to care? Maybe at 35,000 deaths, 40,000, 100,000? What will it take?

I watched yesterday while this California shooting tragedy unfolded, and I couldn't help but recall Columbine. Only 2 years ago, I walked into that

Cloakroom and watched the live television coverage of students and teachers running and hiding in an effort to escape open gunfire at a school in a "safe neighborhood." I remember the terror and shock on their faces. I remember the child hanging out of the window with one of his arms extended and bloody. I remember the funerals of the 12 young students and the teacher who died as a result. Almost 2 years have passed since the Columbine tragedy. Now we have another high school tragedy in another safe neighborhood, but still Congress refuses to enact sensible gun safety legislation.

Last May mothers across America celebrated Mother's Day, not by staying home with their families and cooking their favorite dish or by getting breakfast in bed. They went out and marched. They marched against gun violence. I joined them on the shore of Lake Michigan as hundreds, maybe thousands gathered to make it clear to Congressmen and Senators alike that they had had enough as mothers. They called on Congress to pass commonsense gun safety legislation. Several of my colleagues and I participated in the march. These moms are mad. They will have their day.

This is a new Congress with a 50/50 split. We found time in this new Congress to consider voiding worker safety legislation. We will find time in this Congress to deal with bankruptcy, clamping down on those who file for bankruptcy but not on the credit industry. And now, sadly, we will find time for a lot of other issues other than gun safety. We haven't heard any clamor from the other side about the need to address gun violence. Mothers are burying their children before they have a chance to raise them while this Congress stands idly by.

Commonsense gun safety legislation, that is all the American people are asking for. As yesterday's shooting tragedy in California tells us, this Congress must act and act now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that when the final order is entered this evening, the Democratic time for morning business be controlled as follows: 10 minutes each for Senators Feinstein, Feingold, and Lincoln, and 15 minutes for Senator Clinton and Senator BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDEA FULL FUNDING

Mr. JEFFORDS. Mr. President, today may be just another day in Washington, but it is a special day in Vermont. Today is town meeting day, when towns throughout Vermont go over their budgets line by line. This includes a review of school budgets in many towns. In Vermont, where special education referrals grow at a rate of about 3.5 percent per year. With the cost of special education rising at a rate that Vermont's 287 school districts can not sustain, the number one education issue that will be discussed at these town meetings will be Federal funding of special education. Vermonters, like so many Americans across the country, understand that these costs must be paid. All of our children, those with disabilities and those without, need and deserve the services and supports that will ensure that they meet their educational goals.

In 1975, responding to numerous Federal Court decisions involving lawsuits against a majority of the States, and growing concerns about the unconstitutional treatment of children with disabilities, Congress passed Public Law 94-142, now known as the Individuals with Disabilities Education Act. IDEA rightly guaranteed all children with disabilities a constitutionally required "free and appropriate public education." As a freshman Congressman, I was proud to sponsor that legislation and to be a member of the Conference Committee that negotiated the differences in the House and Senate bills.

In passing Public Law 94-142, Congress recognized that education is not free. We recognized that children with disabilities often require specialized services to benefit from education. Congress assumed that the average cost of educating children with disabilities was twice that of educating other children. At that time, 25 years ago, Congress authorized the Federal Government to pay up to 40 percent of the additional costs associated with educating children with disabilities. That amount—often referred to as the IDEA "full-funding" amount—is calculated by taking 40 percent of the national average per pupil expenditure, or APPE, times the number of children with disabilities being served under IDEA Part B in each state.

While some may question whether Congress made a commitment or set a goal, I am here to tell you, as someone who was there at the time, we definitely made a pledge to fully fund the Federal share of special education. Thanks to teachers and administrators, advocacy organizations, parents of children with disabilities, and the children themselves, I believe that to-

gether we have made tremendous strides in assuring that we keep that promise.

Since I became Chairman of the Health, Education, Labor, and Pensions Committee in 1997, there have been significant increases in special education funding. In fact, special education funding has increased by 174 percent since 1996. For Vermont, the Federal share has increased from \$4.5 million to \$13.2 million. Even with this substantial increase, the Federal Government still contributes less than 15 percent of the APPE.

Failure to live up to the commitment of Congress means that the majority of the funding for special education for 8,000 Vermont students, and 6.1 million students across the country, currently comes from the States and from local school budgets.

Last year, I led three congressional efforts to increase special education funding. In April 2000, I sponsored an amendment to the budget resolution. This amendment would have mandated that the Federal Government increase spending for special education by \$2 billion each year, for 5 years. The amendment, which would have raised Federal special education funding from \$5 billion per year to close to \$16 billion per year, failed by three votes. In its place, the Senate approved, by a vote of 53 to 47, a substitute amendment that made my amendment a non-binding sense of the senate resolution to fully fund special education. This was definitely not the outcome I was seeking. However, it was the second time the Senate has gone on record in support of fully funding the Federal Government's share of special education costs. After two decades in which full funding of IDEA was regarded as more of a pipe dream than a commitment to be honored, Congress finally seems to be taking its obligation seriously.

Today, I am pleased to join my colleagues in introducing legislation that will provide for mandatory increases in special education funding at \$2.5 billion a year for each of the next 6 years. This bipartisan effort sets the course to achieve full funding for Part B of IDEA by fiscal year 2007. The enactment of this bill will give relief to school districts, resources to teachers, hope to parents, and opportunities to children with disabilities. It will free up State and local funds to be spent on such things as better pay for teachers, more professional development, richer and more diverse curricula, reducing class size, making needed renovations to buildings, and addressing other needs of individual schools. To me, passage of this bill will provide the ultimate in local educational flexibility.

Last week, Representative BURTON, Chairman of the House Committee on Government Reform, held a hearing on IDEA. Every witness that testified identified insufficient special education funding as the number one barrier that prevents schools from fully

meeting the needs of children with disabilities. Every congressional Representative who attended the hearing spoke to the issue. Representative HOOLEY and Representative BASS have both introduced bills in the House to fully fund Part B of IDEA.

In 1975, we made a commitment to fully fund the Federal Government's share of special education costs. If, 25 years later, in this era of economic prosperity and unprecedented budgetary surpluses, we cannot meet this commitment, when will we keep this pledge?

School districts are demanding financial relief. Children's needs must be met. Parents expect accountability. There is no better way to touch a school, help a child, or support a family than to commit more Federal dollars for special education. Personally, I do not believe anyone can rationally argue this is not the time to fulfill our promise.

In America, education is viewed as a right. Across the country, our Governors, school boards, education professionals, and families of children with disabilities identify fully funding for special education as their number-one priority. The American people have a right to ask us, "if not now, when?" Six million American students with disabilities have a right to a free and appropriate public education. They deserve to participate in the American dream.

This issue will not go away and neither will I. I intend to do all I can to make sure we keep our promise to fully fund the Federal share of special education. As we proceed with new initiatives and requirements for schools, let us also dedicate increased Federal funds to meeting our existing obligations to children with disabilities, families, and the State and local education agencies that serve them. I believe this is the most important education issue before our Nation, and I will continue to fight for it.

Mr. HARKIN. Mr. President, I strongly support the "Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act, IDEA, Act." This is a bi-partisan effort to help our states provide a free and appropriate public education to children with disabilities. As I've said time and again, disability is not a partisan issue. We all share an interest in ensuring that children with disabilities and their families get a fair shake in life.

Currently, the State Grant program within IDEA receives \$6.34 billion. Estimates by the Congressional Research Service suggest that the program needs to be funded at \$17.1 billion for fiscal year 2002 to meet the targets established in 1975. Our amendment would obligate funding for IDEA annually in roughly \$2.5 billion increments over the next six years and would put us on track to meet our goal of 40 percent funding.

In the early seventies, two landmark federal district court cases, *PARC v.*